



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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## Unified Program Newsletter March 2008

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### **Cal/EPA**

#### **Secretary Raises Trinity County Fees**

Cal/EPA has determined that the fees established in 2005 for the Trinity County Certified Unified Program Agency (CUPA) underestimated the actual. By statute, Cal/EPA is required to set the fees on businesses to cover the actual cost of a state agency implementing the Unified Hazardous Waste and Hazardous Material Regulatory Program (Unified Program) in a county. Trinity County was one of the two counties in the state that refused for nine years, from 1996 to 2005, to implement the program locally. Cal/EPA was finally required to appoint a state agency, the Department of Toxic Substances Control, to be the CUPA for Trinity and Imperial Counties. The revised fees affect only Trinity County and are not on the whole significantly higher than the surrounding counties. However, they do reflect the increased costs for the state to operate a program in a remote location of the state. The revised fee schedule will be published in the California Regulatory Notice Register on March 21, 2008 and will also be mailed to every regulated business in the county. Contact: Jim Bohon at (916) 327-5097 or [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov)

#### **Most CUPAs meet March 1 APSA Grant Application Deadline**

Most of the CUPAs either met the March 1 filing deadline or requested an extension of a few days to a month. The Unified Program staff will be contacting the half dozen CUPAs that did not contact Cal/EPA or submit an application in the next week to determine their status. Previously submitted applications have been and are being processed. There are eleven grant approvals and agreements that are going back to CUPAs next week for those that submitted early. Contact: John Paine at (916) 327-5092 or [jpaine@calepa.ca.gov](mailto:jpaine@calepa.ca.gov)

#### **OEHHA Technical Resource for CalARP Begins Work**

Cal/EPA, OES and OEHHA met in early March to begin coordinating the use of the new technical staff in OEHHA that will be working specifically on the technical issues of the CalARP program. Shelley DuTeaux, Staff Toxicologist (Specialist) at OEHHA is the full time expert that will be working on CalARP technical issues. Shelley fills a badly

needed support roll for OES to move the CalARP program along. She will be working closely with the OES CalARP program staff to begin the work on toxic endpoints and other pending technical issues.  
Contact: Jim Bohon (916) 327-5097 or [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov)

## **Department of Toxic Substances Control**

### **New SB 774 Fact Sheet**

The Regulatory and Technical Support Section has posted a fact sheet to the DTSC website that outlines changes made to the Toxics in Packaging Prevention Act. SB 774 (Stats. 2007, ch. 659) amends the Toxics in Packaging Prevention Act, also known as Assembly Bill (AB) 455, Stats. 2003, ch. 679. The law was amended by AB 2021 (Stats. 2004, ch 445), and took affect on January 1, 2006. The law prohibits selling or promoting packaging, packaging components, or a product in a package if the package or package component contains one or more specified regulated metals: lead, cadmium, mercury or hexavalent chromium, if the metals have been intentionally introduced during manufacture or distribution. However, a package may contain those metals if the sum of the incidental total concentration levels of all regulated metals does not exceed 100 part per million (ppm) by weight.

The law allows certain packaging to qualify for one or more specified exemptions which are found in Health and Safety Code section 25214.14. SB 774 amends Health & Safety Code section 25214.15 by adding subsection (k) which prohibits a glass bottle with paint or applied ceramic decoration (by a process known as vitrification) from qualifying for an exemption if the paint or decoration contains lead or lead compounds in excess of 0.06% by weight.

SB 774 amended Health & Safety Code section 25214.16 (a) so that on or after January 1, 2006, each manufacturer or supplier shall furnish a certificate of compliance to the purchaser of a package or packaging component, even when the purchaser is also a supplier, stating that the package or packaging component is in compliance with the requirements of the law.

Any exemptions to this law will sunset in January 2010.

The fact sheet is located at:

[http://www.dtsc.ca.gov/ToxicsInPackaging/upload/TIP\\_FS\\_SB\\_774\\_Changes.pdf](http://www.dtsc.ca.gov/ToxicsInPackaging/upload/TIP_FS_SB_774_Changes.pdf)

Contact: Renée Spears at (916) 324-8192

## **State Water Resources Control Board**

### **Clarification of Regulations Applying to Biodiesel Stored in UST Systems**

On February 28, 2008 the State Water Board released a letter clarifying the application of UST regulations to biodiesel in USTs. USTs storing biodiesel, including 100%, are subject to regulation as it meets the definition of a "hazardous substance" provided in the H&SC, Chapter 6.7, section 25281(h). The switching from petroleum diesel to a biodiesel blend is considered a change in stored substance and the State Water Board advises local regulatory agencies to require notification from the UST owner/operator before such a change is made.

**UST Program Contacts:** Laura Fisher-Chaddock ([lchaddock@waterboards.ca.gov](mailto:lchaddock@waterboards.ca.gov); 916-341 - 5870) and Robert Hodam ([rhodam@waterboards.ca.gov](mailto:rhodam@waterboards.ca.gov); 916-341-5871).

### **Matrix of Pipe Monitoring Applications Update**

On February 29, 2008, the State Water Board issued a new transmittal letter and updated version of the pipe matrix. This version is the latest and most up-to-date, and therefore replaces all previous versions. The letter and matrix that can be used to assist with identification of piping that complies with the independent testing requirements of California Code of Regulations, Title 23, section 2631(b).

**UST Program Contact:** Laura Chaddock ([lchaddock@waterboards.ca.gov](mailto:lchaddock@waterboards.ca.gov); 916-341-5870)

### **Enhanced Leak Detection Notifications**

The last notifications for ELD testing are scheduled to go out in March (383 new notifications, 95 withdrawal of notification, and 163 notices of non-compliance letters). It is anticipated that there will be testing firms available to handle the required testing. Copies of these letters will be mailed to the CUPA's/PA's. With this round of notifications, there may be an abundance of Requests for Reconsiderations, and CUPA's will be asked to verify information about locations of tanks, etc. as these requests are processed. Please make every effort to verify the information when asked, and to provide timely responses. Your help in these matters are always greatly appreciated and essential to making the process go smoothly.

**UST Program Contact:** Terry Brazell ([tbrazell@waterboards.ca.gov](mailto:tbrazell@waterboards.ca.gov); 916-341-5645)

### **Status of Proposed UST Rulemaking**

The proposed Title 23 regulations, and Title 27 UST forms and Report 6 are now final. PDF versions of the UST forms and new regulations have been sent to the CUPA's. Word versions of the UST forms are available on the Cal/EPA website and have been included in this Update as attachments. The UST website has also been updated with the new forms and regulations.

The web link for the Title 23 rulemaking package is: [http://www.waterboards.ca.gov/ust/regulatory/rulemaking/regs\\_proposed.html](http://www.waterboards.ca.gov/ust/regulatory/rulemaking/regs_proposed.html).

The web link for the revised Title 23 regulations is:  
[http://www.waterboards.ca.gov/ust/regulatory/docs/ccr\\_title23div3chapt16.pdf](http://www.waterboards.ca.gov/ust/regulatory/docs/ccr_title23div3chapt16.pdf)

The web link for the revised Title 27 forms is: <http://www.calepa.ca.gov/CUPA/Publications/>

**UST Program Contact:** Terry Brazell ([tbrazell@waterboards.ca.gov](mailto:tbrazell@waterboards.ca.gov); 916-341-5645)

### **Governor's Office of Emergency Services**

#### **CCR Title 19 Changes Approved**

On February 20, 2008, OAL approved the amendment to Title 19, Division 2, Chapter 4, Article 4, Section 2729.2 and Appendix A I, II, III and Appendix B I, II, III. This change without regulatory effect conforms three Office of Emergency Services hazardous material reporting forms and instructions in Title 19 with counter-part forms in Title 27, which were changed in December of 2007 by the California Environmental Protection Agency. The approval was filed with the Secretary of State on February 20, 2008. The changes are listed on OAL's website.